



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,373	09/30/2003	Stefan Jesse	09700.0216-00	3224
60668	7590	06/02/2008		
SAP / FINNEGAN, HENDERSON LLP			EXAMINER	
901 NEW YORK AVENUE, NW			VU, TUAN A	
WASHINGTON, DC 20001-4413			ART UNIT	PAPER NUMBER
			2193	
			MAIL DATE	DELIVERY MODE
			06/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)
	10/676,373	JESSE ET AL.
	Examiner	Art Unit
	Tuan A. Vu	2193

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires _____ months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) They raise the issue of new matter (see NOTE below);
- (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-22.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. Other: _____.

/Tuan A Vu/
Primary Examiner, Art Unit 2193

Continuation of 3. NOTE: Applicants have submitted that for claim 1, the TMM 200 representing a source code as cited does not teach receiving first data model, nor does the UML notations disclose constraints for developing the application. The TMM for fetching the corresponding model representing a first language source code does teach receiving first model; and the notations used by UML standards are construed as enforcing some specifications that are to be properly implemented for the model to be compliantly translated into executable functionality. The claim is met by Charisius's use of UML constraints to derive code. Applicants argue that Charisius does not teach 'generate API using a set of intermediate objects ... such that the API enforces ... constraints defined ... enables accessing ... development objects". To show how such argument stands, Applicants allege that Charisius does not teach UML but rather source code. This is not evident based from the cited portions of the Office Action. Applicants allege that Charisius uses an API as opposed to generating an API. Application interface can be instantiated by way of a tool; and 'generating a API' is claimed in a very broad sense that cannot preclude the instance of API as by Charisius from reading onto it. The claim is silent about how this 'generate an API' is done except for the limitation that inputs coming from the (TMM) intermediate objects are used such that they allow this instance of application interface to enforce constraints and accessing more objects (like template code), which Charisius specifically discloses. That is, Charisius fetches UML constructs from said source code, then based on more constructs being templated and corresponding to said intermediate UML requirements, apply aspect of some APIs to enforce code validation and access more libraries to generate target code. Charisius' using of UML requirements serving as inputs into the instance of API to enable this Application interface to enforce constraints toward code implementation in whole is deemed fulfilling claim 1. The arguments are not sufficient to overcome the rejection; and since the claims are not in condition for allowance the claim Amendments are not entered to avoid complicating effect of a Appeal Brief.